

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 20 AUG 1993

APPLICATION NO(s). 352 of 1993.

Applicant(s) Mohammed Sirajuddin v/s. Respondent(s) Commandant &
Managing Director, 515 ABW, B'lore
and Others.

To

1. Mir Mohammed Sirajuddin, Unit Tailor, No. 9610619, QM-515, Army Base Workshop, Ulsoor, Bangalore-560 008.
2. Sri. V. Narasimha Holla, Advocate, No. 317, 12-A-Main, Sixth Block, Rajajinagar, Bangalore-10.
3. The Commandant and Managing Director, 515 Army Base Workshop, Ulsoor, Bangalore-8.
4. The Commander, Headquarters Technical Group-EME, Delhi Cantonment, New Delhi-10.
5. The Director General, EME, Army Headquarters, New Delhi-11.
6. The Secretary, Ministry of Defence, South Block, New Delhi.
7. Sri. G. Shanthappa, Additional Central Government Standing Counsel, High Court Building, Bangalore-1.

SUBJECT:- Forwarding of copies of the Order passed by the Central Administrative Tribunal, Bangalore Bench Bangalore.

Please find enclosed herewith a copy of the ORDER/ STAY/INTERIM ORDER passed by this Tribunal in the above said application(s) on 22-07-93.

Ok Issued
Gw

N. J. S.
for DEPUTY REGISTRAR
JUDICIAL BRANCHES. 20/8/93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 29TH OF JULY, 1993

Present: Hon'ble Justice Mr.P.K. Shyamsundar Vice Chairman
Hon'ble Mr.V. Ramakrishnan Member(A)

APPLICATION NO.352/1993

Mr.Mohammed Sirajuddin,
Unit Tailor,
No.9610619,
QM 515, Army Base Workshop,
Bangalore - 560 008

Applicant

(Shri V.N. Holla - Advocate)

v.

1. The Commandant and Managing
Director,
No.515, Army Base Workshop,
Ulsoor, Bangalore - 560 008
2. Commander,
Hqrs. Technical Group, EME,
Delhi Cantonment,
New Delhi - 110 010
3. The Director General,
EME, Army Headquarters,
New Delhi - 110011
4. Union of India,
by Secretary,
Ministry of Defence,
New Delhi

Respondents

(Shri G. Shanthappa - Advocate)

This application has come up today
before this Tribunal for orders. Hon'ble
Justice Mr.P.K. Shyamsundar, Vice Chairman made
the following:

ORDER

This is all about a Tailor claiming parity



in salary with another Tailor working in the same establishment. We are told by Shri V.N. Holla for the applicant that his client who is a Tailor borne on the establishment of EME Bangalore does the work of refitting clothes of the military personnel and for doing that job he was getting a salary in the pre-revised scale of Rs.210-290 which was subsequently raised to Rs.800-1150 and right now his gross salary is approximately Rs.2100/-. The applicant feels totally disgruntled because he finds the man sitting next to him on a sewing machine gets much more than him which aspect is not in dispute.

2. But then the EME points out that the other person who gets more is a Tailor borne on the Industrial cadre and one who was formerly ~~xxxxxx~~ getting a pay in the scale of Rs.260-400 which has been subsequently raised suitably to a level which is certainly higher than what the applicant gets. We are told the Industrial Cadre Tailors get a salary in the pay scale of Rs.950-1500 which is certainly much more than the non-industrial Tailor. While we certainly appreciate the claim made on the ground that persons doing the same and similar kind of work should get the same pay but the argument stops *just there* when it is found that the work done by the two persons is not the same or similar in nature or quality may be by way of responsibility.

3. In support of the defence that the applicant cannot be given the pay scale granted

to a person borne on the industrial cadre, the EME have filed a reply statement in which they have set out the duties and functions of a Tailor borne on the non-industrial cadre vis-a-vis industrial cadre. They are as follows:

Tailor of non-industrial

Tailor of industrial

Carry out minor repair-s to clothing and blankets.

Alter and fit clothing.

Measure, cut out, make up and fit garments such as drawers etc.

Use and maintain a sewing machine.

Must know to estimate quantities of materials necessary for repair or for new garments.

Expected to take jobs of complicated nature pertaining to tailoring as per drawing/ specifications.

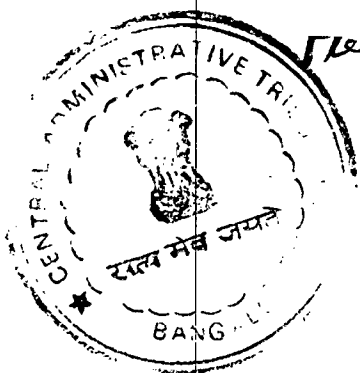
Must have a good knowledge of types and qualities of materials in use in his trade.

Be able to measure mark, cut out, canopies hoods, side curtains and seats.

4. A plain reading of the above statement furnished by the respondents which is not disputed makes it obvious that a Tailor borne on the non-industrial establishment does not do the work done by a person borne on the industrial establishment. Primarily what the former does is repair or a mending job. That also extends to mending and patching of blankets apart from altering a dress suited to the physiognomy of the wearer which sometimes varies depending on his state of health and condition. The work done by the non-industrial Tailor is not so onerous and demanding as compared to the work done by a Tailor belonging to industrial establishment. Naturally the latter gets more than the former.

5. We think, therefore, the grievance made

of disparity in pay scale is most unbecoming and unwarranted. Shri Holla relied on the decision of the Supreme Court in the case of BHAGWAN SAHAI CARPENTER AND ORS. v. UNION OF INDIA AND ANOTHER - AIR 1989 SC 1215 : 1989(2) SLJ 100) which was followed by a decision of the Full Bench of this Tribunal in O.A.111/91. We were parties to that Full Bench decision. We think neither Bhagwan Sahai's case or the decision of the Full Bench has anything to do with the case aforesaid. Shri Holla says that a representation made by his client sometime back is still pending consideration with EME. We do not know about it. But if any representation is pending, the Department will dispose it off. Shri Shanthappa, the learned Standing Counsel says the said representation has been disposed off vide Annexures 8 and 9. However, that will not preclude the applicant to make a fresh representation. If he wants, he can make a fresh representation for fresh consideration. But, this application stands disposed off finally with the above observations. No costs.



Sd/-
MEMBER (A)

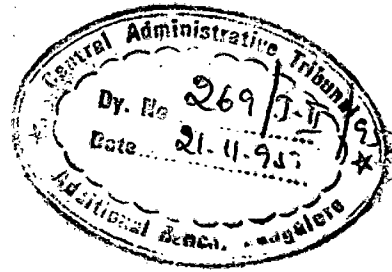
Sd/-
VICE CHAIRMAN

TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

20/8/93

Recd. by post
R
20/11/95



D.NO. 826/95 /SEC. W.A
SUPREME COURT OF INDIA
NEW DELHI.
DATED:- 20-11-95

From:-

The Registrar,
Supreme Court of India,
NEW DELHI.

To

The Registrar,
Central Administrative Tribunal Bangalore Bench,
Second floor, Commercial Complex, Indira Nagar,
Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL./CIVIL) NO. 2607/95
(Petition Under Article 136(1) of the Constitution of India)

From the Judgment and Order dated 29-7-93
of the High Court of Judicature at CAT at Bangalore Bench
in in. A. No. 352/93

MR. Mohamamd Sirajuddin PETITIONER(S)

-VS-

The Commandant & Managing Director, Dal RESPONDENT(S)

Sir,

I am directed to inform you that the petition above mentioned filed in the Supreme Court was dismissed by the Court on 10-2-95.

Yours faithfully,
[Signature]
For Registrar.

Enter in SLP Register,
O.A. Register, add to file
& note thereafter & to
a copy of this with a
copy of O.A. order
as per R. 143 of ROP 93.

21/11/95

So (II) / Sh. B.